

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1639 be amended to read as follows:

- 1 Page 2, line 10, after "vehicle" delete ", a stationary".
- 2 Page 2, line 11, delete "utility service vehicle (as defined in
- 3 IC 8-1-8.3-5),".
- 4 Page 2, line 17, delete ", utility service vehicle,".
- 5 Page 2, between lines 24 and 25, begin a new paragraph and insert:
- 6 **"(d) Upon approaching a stationary utility service vehicle (as**
- 7 **defined in IC 8-1-8.3-5) when the utility service vehicle is giving a**
- 8 **signal by displaying alternately flashing amber lights, a person who**
- 9 **drives an approaching vehicle shall:**
- 10 **(1) proceeding with due caution, yield the right-of-way by**
- 11 **making a lane change into a lane not adjacent to that of the**
- 12 **utility service vehicle, if possible with due regard to safety and**
- 13 **traffic conditions, if on a highway having at least four (4)**
- 14 **lanes with not less than two (2) lanes proceeding in the same**
- 15 **direction as the approaching vehicle; or**
- 16 **(2) proceeding with due caution, reduce the speed of the**
- 17 **vehicle, maintaining a safe speed for road conditions, if**
- 18 **changing lanes would be impossible or unsafe;**
- 19 **as long as there are two warning signs, one (1) of which is not less**
- 20 **than three hundred (300) feet in front of and one (1) of which is not**
- 21 **less than three hundred (300) feet behind the utility service vehicle,**
- 22 **and the utility service vehicle is off the traveled portion of the**
- 23 **highway. If it is not practicable for the utility service vehicle to be**
- 24 **off the traveled portion of the highway, there must be a minimum**

1 of one (1) flagman for traffic control at the worksite, and there
 2 must be two warning signs not less than three hundred (300) feet
 3 in front of and one (1) of which is not less than three hundred (300)
 4 feet behind the utility service vehicle for the person who drives an
 5 approaching vehicle to be required to proceed in conformance with
 6 subdivisions (1) and (2).".

7 Page 2, line 25, strike "(d)" and insert "(e)".

8 Page 2, after line 28, begin a new paragraph and insert:

9 "SECTION 2. IC 9-21-8-54 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 54. (a) A person who
 11 violates section 35(b), ~~or~~ section 35(c), **or section 35 (d)** of this
 12 chapter commits a Class A infraction.

13 (b) If a violation of section 35(b) of this chapter results in damage
 14 to the property of another person, in addition to any other penalty
 15 imposed, the court shall recommend that the person's driving privileges
 16 be suspended for a fixed period of not less than ninety (90) days and
 17 not more than one (1) year.

18 (c) If a violation of section 35(c) **or section 35(d)** of this chapter
 19 results in damage to the property of another person of at least two
 20 hundred fifty dollars (\$250), in addition to any other penalty imposed,
 21 the court shall recommend that the person's driving privileges be
 22 suspended for a fixed period of not less than ninety (90) days and not
 23 more than one (1) year.

24 (d) If a violation of section 35(b), ~~or~~ section 35(c), **or section 35(d)**
 25 of this chapter results in injury to another person, in addition to any
 26 other penalty imposed, the court shall recommend that the person's
 27 driving privileges be suspended for a fixed period of not less than one
 28 hundred eighty (180) days and not more than two (2) years.

29 (e) If a violation of section 35(b), ~~or~~ section 35(c), **or section 35(d)**
 30 of this chapter results in the death of another person, in addition to any
 31 other penalty imposed, the court shall recommend that the person's
 32 driving privileges be suspended for two (2) years.

33 (f) The bureau shall, upon receiving a record of a judgment entered
 34 against a person under this section:

35 (1) suspend the person's driving privileges for a mandatory
 36 period; or

37 (2) extend the period of an existing suspension for a fixed period;

1 of not less than ninety (90) days and not more than two (2) years. The
2 bureau shall fix this period in accordance with the recommendation of
3 the court that entered the judgment."

(Reference is to HB 1639 as printed February 20, 2009.)

Representative Tinch